

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA

V.

CHANCE ANTHONY UPTMORE

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CAUSE NO. SA-21-MJ-0092

**MOTION TO WITHDRAW AND FOR APPOINTMENT OF NEW COUNSEL**

TO THE HONORABLE UNITED STATES MAGISTRATE JUDGE RICHARD B. FARRER  
FOR THE WESTERN DISTRICT OF TEXAS, SAN ANTONIO, DIVISION:

COMES NOW the Federal Public Defender Organization for the Western District of Texas, by and through Assistant Federal Public Defenders David J. Kimmelman and respectfully move this Honorable Court for an Order permitting the Federal Public Defender for this district to withdraw as counsel of record for Defendant CHANCE ANTHONY UPTMORE , and for appointment of new counsel and would respectfully show as follows:

On February 1, 2021, the office of the Federal Public Defender became aware of a conflict of interest between Mr. Uptmore and another client of the office necessitating that this Office withdraw from further representation of Mr. Uptmore in this case. As Mr. Uptmore previously qualified for appointed counsel the undersigned request that this Court enter an Order allowing them and the Office of the Federal Public Defender to withdraw from this case and that new counsel not with the Federal Public Defender be appointed for Mr. Uptmore.

**PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendant prays for the above-requested relief and that this Motion to Withdraw and For Appointment of Counsel be granted.

Respectfully submitted.

MAUREEN SCOTT FRANCO  
Federal Public Defender

/s/ David J. Kimmelman  
Assistant Federal Public Defender  
Western District of Texas  
727 East César E. Chávez Blvd., B-207  
San Antonio, Texas 78206-1205  
(210) 472-6700  
(210) 472-4454 (Fax)  
State Bar Number: 11427300

*Attorney for Defendant*

CERTIFICATE OF SERVICE

I hereby certify that on the 1st day of February, 2021, I electronically filed the foregoing Defendant's Motion to Withdraw and For Appointment of New Counsel with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following:

Assistant United States Attorney  
601 N. W. Loop 410, Suite 600  
San Antonio, Texas 78216

/s/ DAVID J. KIMMELMAN

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**ORDER**

On this date came on to be considered the Defendant's Motion to Withdraw and for Appointment of New Counsel, and the Court having considered the premises, is of the opinion that the same should be and is hereby GRANTED.

It is therefore ORDERED that David J. Kimmelman and the Office of the Federal Public Defender for the Western District of Texas are hereby WITHDRAWN as Attorneys of Record and that new counsel be appointed to represent Defendant Chance Anthony Uptmore.

SO ORDERED on this the \_\_\_\_\_ day of, February 2021.

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RICHARD B. FARRER  
United States Magistrate Judge